



U.S. Department of Justice

*United States Attorney's Office
Eastern District of New York*

JM:SJM
F.# 2010R00319

271 Cadman Plaza East
Brooklyn, New York 11201

April 26, 2012

BY HAND DELIVERY AND ECF

Clerk of the Court
(to be forwarded to randomly assigned U.S. District Judge)
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

The Honorable Allyne R. Ross
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. John Hyers

Dear Judge Ross and the Clerk of the Court:

Pursuant to Local Rule 50.3.2, the government hereby notifies the Court that the above-captioned case is presumptively related to United States v. Lend Lease, No. 12 CR 288 (ARR) ("Bovis") and United States v. James Abadie, No. 12 CR 274 (ARR) ("Abadie").

Local Rule 50.3.2(b)(1) provides for a "presumption that one case is 'related' to another when the facts of each arise out of the same charged criminal scheme(s), transaction(s), or event(s), even if different defendants are involved in each case." Local Rule 50.3.2(c)(1) directs the United States Attorney's Office to "give notice to all relevant judges whenever it appears that one case may be presumptively related to another pursuant to Section (b)(1)."

This letter constitutes the notice directed by Local Rule 50.3.2(c)(1). This case is presumptively related to Bovis and Abadie because the facts of this case arise out of the same criminal scheme as charged in Bovis and Abadie. Specifically, John Hyers is charged with the same overbilling scheme that was charged in Bovis and Abadie. Hyers was a General Superintendent of Bovis's New York office, where he reported to Abadie, who was

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the Principal in Charge of the office. Together Abadie and Hyers carried out the scheme to inflate the overtime hours of union labor foremen and pass on the costs to its clients. Bovis's liability for the crimes charged is partially derived from Hyers' and Abadie's conduct.

As the case is thus presumptively related, the government respectfully submits that reassignment would be appropriate, as it would likely result in a significant savings of judicial resources and serve the interests of justice.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

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cc: Mark M. Baker, Esq. (via electronic mail)
Clerk of the Court (via ECF)